



U.S. Department
of Transportation

Research and
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Administration

John A. Volpe
National Transportation
Systems Center

Kendall Square
Cambridge, Massachusetts 02142

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CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. Randy Siemers
Lead Organizer
Montana District Council of Laborers
P.O. Box 6382
Helena, MT 59604

Dear Mr. Siemers:

This is in response to your letter dated March 3, 2004 to the EPA Region 8 Office, which was forwarded to this office on March 22, 2004 for reply. You are requesting pursuant to the Freedom of Information Act (5 U.S.C. 552), copies of all certified payroll records for employees of Salut, Marcor and Environmental Restoration, Inc., including all other contractors employing Davis-Bacon in the clean-up of the 200 remediated homes in Libby, MT in 2003 or any time prior.

Your request is denied under Exemption 4 of the Freedom of Information Act. Exemption 4 exempts from FOIA disclosure requirements of "trade secrets and commercial or financial information obtained from a person and privileged and confidential." Disclosure of the information withheld is likely to either impair the Government's ability to obtain the necessary information in the future or cause substantial competitive harm to the submitter.

To the extent that the records that you seek have not been disclosed, you may apply for reconsideration of the determination to the Administrator, Research and Special Programs Administration, Department of Transportation, 400 7th Street, SW, Washington, DC 20490, whose decision will be administratively final. Your application for reconsideration must be in writing within thirty (30) days after date of receipt of this determination and must include information or arguments you relied upon. You must also state that it is an appeal from a denial of a request made under the Freedom of Information Act, and the envelope in which the appeal is sent must be prominently marked with the letters "FOIA."

Sincerely,

Andrea Griswold
Volpe Center FOIA Officer